



June 11, 2018

Mr. Mark Palermo
U.S. EPA
1200 Pennsylvania Avenue, NW
William Jefferson Clinton Federal Building Room 2109A
MC2242A
Washington, D.C. 20004

RE: Request for Information under Section 208(a) of the Clean Air Act, 42 U.S.C. §7542 (a)

Dear Mark:

In response to the United States Environmental Protection Agency's (EPA) request for information pursuant to the U.S. Clean Air Act, 42 U.S.C. §7542 (a) dated May 11, 2018, Cummins submits the enclosed information.

If you need any further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Cooper'.

Mike Cooper
Director – Product Certification and Compliance

CC: Joe Sawin, Patent and Product Emissions Counsel – Cummins Inc.

Cummins Inc.
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Columbus, IN 47201
Tel (812) 377-7569
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Cummins Inc. submits the following response to the EPA's May 11, 2018 request for information:

1. Please provide in an electronic spreadsheet (e.g., Excel) a list of all non-road compression-ignition engines with maximum power less than 560 kilowatts that Cummins sold to Hyundai from 2010 through 2015. For each engine, please provide the following information:

a. engine serial number, engine production plant, and date of engine manufacture;

Please refer to included Excel spreadsheet.

b. engine family name, full commercial model, rated power, and maximum power;

Please refer to included Excel spreadsheet.

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c. the country or countries whose emission standards each engine was labeled as being compliant with or exempt from (for example, "EPA compliant," "EPA and EU compliant," "EPA exempt and EU compliant," "EU complaint," etc.);

Please refer to included Excel spreadsheet.

d. the compliance level (i.e., Tier 3) or exemption status (i.e., TPPEM, export only);

Please refer to included Excel spreadsheet.

e. date of the Hyundai purchase order received and/or date of sale by Cummins;

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f. date that Cummins shipped the engine to Hyundai, and the address to which it was shipped;



Please refer to included Excel spreadsheet

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g. whether the engine had a TPEM label and, if so, the engine's TPEM power category; and

Please refer to included Excel spreadsheet.

h. any information about the engine's destination into a specific model of equipment, or for sale to a specific country or region.

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2. For each engine family that you identified in your response to Question 1:

a. Did Hyundai purchase these engines directly from Cummins or through a Cummins dealer, or both?

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b. When did Cummins stop producing U.S. certified Tier 3 and Tier 4i engines?

Cummins stops producing U.S. certified engines no later than the expiration date of the respective EPA Certificate of Conformity.

c. When was the last date Cummins would have accepted orders for U.S. certified Tier 3 or Tier 4i engines?

Generally Cummins would have stopped accepting orders for Tier 3 and Tier 4i engines between 60 – 120 days prior to the end of certification date. The time frame would depend on manufacturing / component / shipping lead times and the build rate for each plant.

d. When did Cummins first begin accepting orders for and begin production of TPEM and Tier 4i engine families?



Cummins would have accepted orders for TPEM and Tier 4i engines typically between 90 - 120 days prior to an anticipated date for which the product could be sold legally (e.g., expected date of receipt of the EPA Certificate of Conformity, start date of available TPEM power category). The time frame would have been dependent on manufacturing / component / shipping lead times and the build rate for each plant.

e. Upon order of an engine from Hyundai, did Cummins provide Hyundai with a guaranteed or estimated shipping date? If yes, what was the range of times from order to shipment for years directly before and directly after a change in emission standards?

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3. Did Hyundai ever request the re-designation of engines from compliant to exempt status, from exempt to complaint status, or from one type of exemption to another? If yes, please provide a list of engines and change in status.

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4. Did Hyundai request duplicate engine labels from Cummins? If yes, list engines for which Cummins provided duplicate labels.

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Confidential Business Information

Cummins asserts a claim of business confidentiality in connection with information and documents provided in response to this Request for Information. In accordance with 40 C.F.R. §2.204(e)(4), Cummins provides the following additional information to substantiate our claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

Cummins requests confidential treatment for the information provided in response to Questions #1, #2(a) and (e), #3, and #4 (“Confidential Information”).

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you specified.

Cummins requests that the Confidential Information be maintained as confidential for a period of five (5) years, unless disclosure is required by law. This time period is consistent with the Confidential Disclosure Agreements into which Cummins often enters and also represents a reasonable period of time to maintain the confidentiality of sensitive business information.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

Cummins takes reasonable measures to ensure that the Confidential Information provided in response to this request is protected. For example, the Confidential Information provided is maintained in a secure, access-controlled database stored on Cummins network. In order to access the data, a user must first log into the password-protected Cummins network, and then apply a second password to log into the database where this information is maintained. Only a narrow group of employees (and no third parties) have access to the database. Cummins has not disclosed the Confidential Information to anyone other than governmental bodies or entities bound by agreement to refrain from disclosing the information.



4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Are there means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

The Confidential Information is not contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles. There are no means by which a member of the public could obtain access to the information, and the information is not of a kind that Cummins would customarily release to the public.

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

To our knowledge, no governmental body has had prior occasion to make a determination as to the confidentiality of this information.

6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?

Cummins has a strong business interest in maintaining the confidentiality of its engine build, sales, and customer information. Disclosure of this sales and customer information to the public or to Cummins' competitors would provide information on Cummins and its customers' production volumes, costs, and other critical information that could be used to develop a competing business strategy by a competitor. Disclosure of the sales information and engine build information would provide information that could be used to compete with or target Cummins' customer. Cummins' protection of this information even within the Company demonstrates the critical nature of the information and the sensitivity.

7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so. You may provide such additional explanation.

Not at this time, however, should the Agency require additional explanation, Cummins requests the opportunity to provide supplement information to support its request for



confidential treatment.



Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's (EPA) Request for Information, issued pursuant to section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by Cummins Inc. to provide the above information on its behalf to the EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: June 11, 2018

Name (Printed): Mike Cooper

Signature: 

Title: Director - Product Certification
and Compliance